



May 31, 2002

US EPA
Northeast Mall
Room B607
401 M Street, SW
Washington, DC 20460

Re: Information Quality Guidelines; Docket ID No. OEI-10014

Dear Sir or Madam:

As a user of information disseminated by EPA and as an observer of the use of such information by others, I would like to submit on behalf of Brush Wellman Inc. these comments on the draft EPA Information Quality Guidelines announced in 67 Federal Register 21234 (April 30, 2002). EPA should revise its guidelines so that they apply to two types of dissemination of information which EPA proposes to exclude under the draft guidelines: Distribution limited to non-EPA government employees or EPA contractors or grantees and distribution of information in press releases and similar announcements. EPA's reasoning for excluding these types of distribution is unpersuasive.

EPA states that "information distributed only to government employees would not generally be covered by these guidelines because it is not directed to the public." If non-public distribution were a valid basis for this exception, then it follows that the distribution of information in press releases and similar announcements should be covered by the guidelines. EPA also uses the example of requesting feedback from other agencies as a communication not covered by the guidelines. Clearly, if feedback is important to the agency, that feedback will be no better than the quality of the information which is tendered as the basis of the action being reviewed, and for this reason information quality guidelines should apply.

Also unpersuasive is EPA's proffered rationale that the guidelines do not apply to press releases, fact sheets and similar communications that announce information EPA has disseminated elsewhere. There is no justification for not having the same quality standards apply to a press release or other communication announcing information disseminated elsewhere by EPA. Indeed, the information contained in the press release has been carefully selected by EPA in

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hopes that it will receive the widest possible dissemination by the media and influence the public. While tens of millions may learn of the information in a press release, only tens of persons may read the information in the study announced by the press release. Clearly, EPA should apply the same information quality standards to its most widely communicated and influential announcements as it does to its underlying reports that are read by a comparable handful of persons.

In making this request, it is recognized that the Office of Management and Budget ("OMB") has issued final guidelines excluding from mandatory coverage in information quality guidelines "press releases" and "inter-agency use or sharing of governmental information." OMB Guidelines for Ensuring and Maximizing the Quality of Information Disseminated by Federal Agencies, 67 Fed. Reg. 8452, 8454, 8459, Feb. 22, 2002). The OMB guidelines, however, emphasize that the guidelines are "generic" and that agencies retain "flexibility" to incorporate the guidelines into their "own information resource management and administrative procedures." Id. at 8452. Thus, nothing in the OMB guidelines prevents the EPA from defining the scope of its information quality guidelines more broadly. Indeed, the OMB emphasizes that agencies should tailor the guidelines to meet their own needs. Id. at 8452, 8453.

Including industry press releases and inter-governmental communications within the scope of EPA's information quality guidelines would be consistent with the intent of Congress and fulfill the purposes of Chapter 35 of Title 44, the Paperwork Reduction Act, as 44 USC 3501(4) states that a purpose of the statute is to "improve the quality and use of Federal information to strengthen decision-making, accountability, and openness." Defining "disseminated" to include information in press releases and inter-governmental communications furthers the stated purpose of the statute. The EPA should therefore define "disseminated" in its guidelines to include these distributions of information.

Very truly yours,

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